

Variance prayer is defective unless it states in what the variance consists. *Nat. Real Estate Dev. Corp. v. Water Co.*, 167 Md. 194. See notes to sec. 10.

An. Code, 1924, sec. 12. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. Rule 5. 1927, ch. 224.

12. Bills of exceptions shall be so prepared as only to present to the Court of Appeals the rulings of the court below upon some matter of law, and shall contain only such statement of facts as may be necessary to explain the bearing of the rulings upon the issues or questions involved; and if the facts are undisputed, they shall be stated as facts, and the evidence from which they are deduced shall not be set out; and, if disputed, it shall be sufficient to state that evidence was adduced tending to prove them, instead of setting out the evidence in detail; but if a defect of proof be the ground of the ruling or exception, then the particulars in which the proof is supposed to be defective shall be briefly stated, and all the evidence offered in anywise connected with such supposed defect, shall be set out in the bill of exception.

The bill or bills of exceptions shall be headed at the beginning, Plaintiff's (or Defendant's, as the case may be) Bill (or Bills) of Exceptions, and beneath that, if there should be more than one exception, shall appear the subheading Exception 1. Then shall follow the proper statement of the facts necessary to set forth the ruling excepted to, as otherwise herein provided, it being sufficient to set forth the interposing of the objection and the ruling made thereon without a further statement in the bill that exception was taken to such ruling. Should there be more than one exception, the next exception shall immediately thereafter follow, in a separate paragraph under the subheading Exception 2, in which shall in like manner be set forth the ruling objected to; and so on in the case of each bill of exceptions, which bills shall be arranged and numbered consecutively in the same order in which they occurred during the course of the case. Only one signature by the court shall be necessary, which signature shall be affixed at the end of all the bills, and shall be construed as indicating the approval by the Court of all said bills, and which signature shall be immediately preceded by the words, 'the foregoing bill (or bills) approved this                    day of                    19                    .' Nor shall it be necessary to refer specifically in any bill of exceptions to matters set forth in preceding bills, but every bill of exceptions shall be considered as incorporating therein, without statement to that effect, all matters set forth in all preceding bills of exceptions as occurring in the course of the case. And it shall be the duty of the judges of the courts below to require exception to be prepared in accordance with this rule.

Oral agreement of counsel made after transcript has been filed in Court of Appeals cannot take place of bill of exceptions. *Presbyterian Church v. Pugh*, 154 Md. 554.

Act 1927, ch. 224, is valid; no inconsistency with rules of court. *Savage Mfg. Co. v. Magne*, 154 Md. 54.

When record contains no bill of exceptions, is not authenticated and docket entries show no demurrer or motion to quash indictment, appeal will be dismissed. *Crout v. State*, 157 Md. 387.