Conduct of court and counsel not objected to at time cannot be considered on appeal. Brawner *v.* Hooper, 151 Md. 594.

Question of variance not raised at trial cannot be considered on appeal. White *v.* Parks, 154 Md. 202.

A plea of *res judicata* filed by defense not considered on appeal, as it had not been ruled upon by the trial court. State *v.* Coblentz, 169 Md. 159.

Question of misjoinder not raised or decided in lower court cannot be considered in Court of Appeals. Mylander *v.* Page, 162 Md. 261.

Objection to sufficiency of voucher or cause of action not made in trial court cannot be considered in Court of Appeals. Obrecht *v.* Ensor, 162 Md. 396.

A granted prayer is not reviewable, as permitting a finding of negligence without finding of sufficient facts from which negligence could be determined, in the absence of any objection to the prayer for this reason in the trial court. B. & O. R. R. Co. *v.* State, 169 Md. 355.

Plaintiff, having failed to object to continuance of trial because of mistaken statement by opposing counsel, later corrected by him, until after losing case, cannot use incident in support of motion for new trial. Lynch *v.* Baltimore, 169 Md. 633.

Since a particular defence to a recovery on a fire insurance policy was not passed on by the lower court, it cannot be considered upon appeal. German Fire Ins. Co. *v.* Clarke, 116 Md. 624. And see Mitchell *v.* State, 115 Md. 367.

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.

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, cannot be raised on appeal. Barker *v.* Ayres, 5 Md. 202.

Point held not have been presented to the lower court; hence it could not be considered on appeal. Williams *v.* N. Y. Life Ins. Co., 122 Md. 145.

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. Heil *v.* Linck, 170 Md. 654; Kelly *v.* Montebello Co., 141 Md. 205; Buck *v.* Brady, 110 Md. 577; Hamburger *v.* Baltimore, 106 Md. 483; Baltimore *v.* Austin, 95 Md. 93; Muir *v.* Beauchamp, 91 Md. 658; Worcester *v.* Ryckman, 91 Md. 39; Lewis *v.* Topman, 90 Md. 306; Mitchell *v.* State, 82 Md. 531; Burnett *v.* Bealmear, 79 Md. 40; Thorne *v.* Fox, 67 Md. 74; Jackson *v.* Salisbury, 66 Md. 459; McCollough *v.* Biedler, 66 Md. 283; Ecker *v.* First National Bank, 62 Md. 519; Lynn *v.* B. & O. R. R. Co., 60 Md. 416; McKew *v.* Duvall, 45 Md. 501; Third National Bank *v.* Boyd, 44 Md. 63; Davis *v.* State, 39 Md. 386; Gabelein *v.* Plaenker, 36 Md. 64; First National Bank *v.* Jaggers, 31 Md. 52; Dorsey *v.* Garey, 30 Md. 499; Horner *v.* O'Laughlin, 29 Md. 470; Hutton *v.* Padgett, 26 Md. 231; Kunkel *v.* Spooner, 9 Md. 462; Manning *v.* Hays, 6 Md. 10; Tyson *v.* Shueey, 5 Md. 552; Coates *v.* Sangston, 5 Md. 131; Bridendolph *v.* Zeller, 5 Md. 63; Cushwa *v.* Cushwa, 5 Md. 54; Morgan *v.* Briscoe, 4 Md. 272; Middlekauff *v.* Smith, 1 Md. 337; Graham *v.* Sangston, 1 Md. 66; Milburn *v.* State, 1 Md. 26; Tuck *v.* Boone, 8 Gill, 189; Carter *v.* Cross, 7 Gill, 46; Sullivan *v.* Violett, 6 Gill, 190; Schleigh *v.* Hagerstown Bank, 4 Gill, 312; Bullit *v.* Musgrave, 3 Gill, 48; Leopard *v.* Chesapeake, etc., Canal Co., 1 Gill, 228; Keefer *v.* Mattingsly, 1 Gill, 186; Wolfe *v.* Hauser, 1 Gill, 92; Gray *v.* Crook, 12 G. & J. 236; Abell *v.* Harris, 11 G. & J. 372; Burgess *v.* State, 11 G. & J. 68; State *v.* Turner, 8 G. & J. 133; Nesbitt *v.* Dallam, 7 G. & J. 510; Syles *v.* Hatton, 6 G. & J. 136; Grahame *v.* Harris, 5 G. & J. 494; Sasscer *v.* Walker, 5 G. & J. 110; Davis *v.* Leah, 2 G. & J. 307; Laporte Corp. *v.* Cement Corp. 164 Md. 645; Ice Machinery Corp. *v.* Sachs, 167 Md. 123; Legum *v.* State, 167 Md. 352; Kirschgessner *v.* State, 174 Md. 202; Metropolitan Life Ins. Co. *v.* Neikirk, 175 Md. 170; Baltimore *v.* Peabody Institute, 175 Md. 189.

Prior to the act of 1825, ch. 117, it was the duty of the appellate court to notice all errors and objections apparent upon the record. Mundell *v.* Perry, 2 G. & J. 207.

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.