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 bearings 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.

And it shall be the duty of the judges of the courts below to require exceptions to be prepared in accordance with this rule.[1]

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.

Usual penalty for failure to condense record is to charge appellant, in case of reversal, with the costs unnecessarily incurred. Jersey Ice Cream *v.* Bach, 161 Md. 293.

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 sec. 86, they will not be reviewed. Cochran *v.* State, 119 Md. 548.

The insertion in the record of the entire evidence criticized under this section and secs. 38 and 39; costs of record divided between appellant and appellee. Oxweld Acetylene Co. *v.* Hughes, 126 Md. 444.

The insertion in the record of the entire evidence criticized under this section; disposition of costs left to orphans' court under art. 93, sec. 265. White *v.* Bramble, 124 Md. 403.

Exceptions set out in the record held to disregard both the letter and spirit of rule 5 of the court of appeals; irrelevant matter; responsibility appellant's. Annarina *v.* Boland, 136 Md. 384.

There is no need of a writ of error in order to bring up for review rulings on demurrers. Kendrick *v.* Warren, 110 Md. 77.

Where the proof is supposed to be defective, the particulars of such defect must be briefly stated in the exception. B. & O. R. R. Co. *v.* Mali, 66 Md. 57.

This section violated in that the particulars in which the proof was supposed to be defective and all the evidence connected therewith, were not set out. Wilson *v.* Merryman, 48 Md. 342.

This section sufficiently complied with. Blake *v.* Pitcher, 46 Md. 462. See also Davis *v.* State, 38 Md. 51.

Exceptions taken by the appellee ought not to go into the record. Hoffman *v.* Coombs, 9 Gill, 284.

Trial courts should strictly enforce this section. Boyd *v.* Cross, 35 Md. 200.

Cited but not construed in Caledonia Ins. Co. *v.* Traub, 80 Md. 222; Scarlett *v.* Academy of Music, 43 Md. 210; Broniszewski *v.* B. & O. R. R. Co., 156 Md. 449; Carroll *v.* Hillendale Golf Club, 156 Md. 547.

Cited in Wilkerson *v.* State, 171 Md. 289.

An. Code, 1924, sec. 13. 1912, sec. 11. 1904, sec. 11. 1894, ch. 33, sec. 10A. 1922, ch. 418, sec. 11.

13. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof if more than one judge sat at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, or by reason of the expiration of his term of office, unable

[1] As revised by the Court of Appeals, Oct. 5, 1933.