lessee v. Inloes, 4 Md. 175, the patentee of a tract of land devised to his wife and died in 1709, she dying the same year. No claim was made under either until 1745, but the land being under navigable water this was considered immaterial; but it was held, that, as the law did not presume the death of a person without heirs, sufficient did not appear to prove the land escheat as of that time; and the further lapse of twenty-eight years from 1745, or sixty-four years from the death of the wife, was not enough to authorize a finding that the land was escheat as of that time. So in Lee v. Hoye, 1 Gill, 188, a case relating to the military lots in Allegany County granted by the Act of 1788, ch. 44, as bounty lands to certain officers and soldiers, it was held that the Court ought not to instruct the jury to presume the death of the patentee without heirs after a lapse of seventeen years only, there being no proof that the soldiers ever resided on the lots, or in the neighborhood where they were situated, nor any evidence of any facts or circumstances upon which such a presumption could be founded. But it would seem that the escheat grant is evidence of death without issue. At all events, said the Court, there, the presumption would not be made to support a title acquired in violation of law and of the rules of the land-office. And see Sprigg v. Moale *supra*. But it seems that where the fact of marriage is disproved as far as may be, this may be taken in connection with long and unexplained absence as presumptive proof of a death without lawful issue. In Doe v. Griffin, 15 East, 293, there was proof by one of the family that a particular person had many years before gone abroad, and he was supposed to have died there, and the witness had never heard in the family of his having been married. It was objected that this was not enough. But, said the Court, what other evidence that the party was not married could the plaintiff be expected to produce, than that none of the family had ever heard that he was?

There is, however, a rule laid down that where it becomes necessary to determine the exact date of an event, and it is only proved to have happened within a certain designated space of time, then the medium of that space of time shall be assumed as the true date. Of this rule Contee v. Dawson, 2 Bl. 264, is an illustration. There the defendant was to be charged with interest from the death of a person previously interested in the fund. The only proof as to the death of the latter was that she died sometime in the fall of 1818, and the Chancellor held that the Auditor did right in assuming the 15th Oct. 1818 as the day of her death.

**507** **Bigamy.**—*In a case of bigamy, if husband or wife has not been heard of for seven years, a second marriage during that period is presumed to have taken place after the death of the absent party; but that is a supposition in favor of innocence, for to conclude otherwise would be to presume a crime, which the law never does, see R. v. Twining, 2 B. & A. 386.[12]

**No presumption of survivorship.**—Lastly, with respect to the presumption of survivorship in case of the death of two or more persons by a common calamity. And it is held, that there is no presumption from age, sex, or other circumstanecs of the survivorship of any one of several persons

[12] Cf. Code 1904, Art. 27, sec. 19.