

1904, art. 35, sec. 7. 1888, art. 35, sec. 6. 1860, art. 37, sec. 6. 1825, ch. 120.  
1888, ch. 545.

7. In every suit or action at law or in equity in which it may be necessary to prove the execution of any instrument of writing whatsoever, attested by a subscribing witness or witnesses, it shall be lawful to prove the execution of such instrument of writing in the same manner and by the same evidence that the same might be proved by if not attested by a subscribing witness; but this shall not apply to the proof of the execution of any last will and testament. Comparison of a disputed writing with any writing proved to the satisfaction of the court to be genuine shall be permitted to be made by witnesses, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury, or the court, as the case may be, as evidence of the genuineness or otherwise of the writing in dispute.

This section was not designed to deprive the court of all discretion in determining the character of genuine writing to be used for the purpose of comparison, or to permit the introduction before the jury of extraneous matter calculated to prejudice the opposite party. *Gambrill v. Schooley*, 95 Md. 282.

The object and application of the portion of this section relative to the proof of attested instruments, pointed out. *Keefer v. Zimmerman*, 22 Md. 286; *Gaither v. Martin*, 3 Md. 159; *Edelen v. Gough*, 5 Gill, 106; *Pannell v. Williams*, 8 G. & J. 518; *Shepherd v. Bevans*, 4 Md. Ch. 408.

A witness held to be competent to compare disputed signatures with those shown to be genuine, as authorized by this section. *Councilman v. Towson Bank*, 103 Md. 479.

As to the production of books and writings, see art. 75, sec. 99, *et seq.*, and art. 16, sec. 25, *et seq.*

### Attendance and Pay of Witnesses.

*Ibid.* sec. 8. 1888, art. 35, sec. 7. 1860, art. 37, sec. 7. 1692, ch. 16, sec. 5.  
1715, ch. 37, sec. 5. 1782, ch. 40, sec. 1.

8. Whenever any witness shall be summoned to attend any of the courts of this State and shall, without sufficient excuse, neglect to appear, he may be attached and fined by the court not exceeding fifty dollars, and shall be liable to answer the party for whom he shall be summoned in an action upon the case for the damage sustained for want of his appearance to testify according to such summons.

The provisions of the code relative to the compulsory attendance of a witness, have no application to a party who is a witness in his own behalf. *Gambrill v. Parker*, 31 Md. 5.

As to the continuance of a case upon suggestion that a material and competent witness is wanting, see art. 75, sec. 59.

As to the attendance and fees of witnesses before the public service commission and a failure to testify, see art. 23, sec. 421.

As to the summons of a witness residing in a different county, see art. 75, sections 159 and 160.

See art. 16, sec. 268.

*Ibid.* sec. 9. 1888, art. 35, sec. 8. 1860, art. 37, sec. 8. 1715, ch. 37, sec. 5.

9. If any witness summoned or attached, being present, shall refuse or delay to give his evidence, he shall be committed to jail, there to remain until he shall willingly give his evidence.