

amination may be rebutted by adverse testimony and by proof of admissions made by the party so examined.

When a defendant calls plaintiff as a witness, former is bound by latter's evidence except as provided by this section. Evidence inadmissible on cross examination. *Murphy v. Stubblefield*, 133 Md. 30.

Where plaintiff examines a defendant and fails to rebut his evidence by adverse testimony, such evidence is binding upon plaintiff. *Morris v. Hazellhurst*, 30 Md. 366.

This section does not alter rules of evidence except as stated therein. Effect of the proof when offered is governed by common law rules of evidence. *Mason v. Poulson*, 43 Md. 177.

This section applied. *Turnbull v. Maddux*, 68 Md. 589. And see *Mason v. Poulson*, 40 Md. 366.

The application of this section pointed out. *Cacy v. Slay*, 127 Md. 500.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 5. 1864, ch. 109, sec. 5, sub-sec. 1.

6. In all cases it shall be competent for any of the parties to the proceedings to prove by legal evidence any facts showing the interest of any witness in the matter in controversy, or in the event of the suit or the conviction of such witness of any infamous crime, and in order to prove such conviction it shall not be necessary to produce the whole record of proceedings containing such conviction, but the certificate, under seal of the clerk of the court wherein such proceedings were had, stating the fact of the conviction and for what crime shall be sufficient.

The application of the portion of this section relative to the impeachment of a witness by proof that he had been convicted of an infamous crime, pointed out. *Richardson v. State*, 103 Md. 118.

An. Code, sec. 7. 1904, sec. 7. 1888, 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 jury of extraneous matter calculated to prejudice opposite party. *Gambrill v. Schooley*, 95 Md. 282.

The object and application of the portion of this section relative to 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.

Evidence held admissible in accordance with last sentence of this section. *Murdock v. Schindel*, 128 Md. 641.

As to the production of books and writings, see art. 75, sec. 106, *et seq.*, and art. 16, sec. 26, *et seq.*