

transcript of the record of any cause in any other court in this State might be offered in evidence it shall be sufficient to produce the original papers and proceedings in said last mentioned cause, together with a transcript under seal of the docket entries therein and offer the same in evidence and the same when so produced and offered in evidence shall have the same effect to all intents and purposes as a transcript of the record under the seal of the court wherein the same are, and such production may be had by any party to a suit, action or proceeding upon a subpoena *duces tecum* issued on the special order of the court in which the same is pending to the clerk of the court wherein such docket entries, original papers and proceedings may be.

This section applied. *Johnson v. Johnson*, 105 Md. 89; *Miller v. Matthews*, 87 Md. 474.

This section held not to apply to the introduction in evidence of original papers from one court of Baltimore City in case pending in another court of said city—see act, 1898, ch. 123 (Baltimore City charter, 1938 Ed.), sec. 505. *Calvert Bank v. Katz*, 102 Md. 62.

As to the production in evidence of original will, see art. 93, sec. 370.

### Presumptions of Survivorship.

An. Code, 1924, sec. 71. 1920, ch. 108, sec. 68.

89. If several persons respectively entitled to inherit from one another should, after the passage of this Act, perish in the same calamity such as a wreck, collision, battle, conflagration, flood, earthquake, storm or accident, and it is not shown who died first, and there are no particular circumstances from which it can be inferred, survivorship shall be presumed from the probabilities resulting from the strength, age and difference of sexes, according to the following rules:

A. If those who have perished together were under the age of fifteen years, the eldest or elder (as the case may be) shall be presumed to have survived.

B. If those who have perished together were above the age of sixty years, the youngest or younger (as the case may be) shall be presumed to have survived.

C. If those who have perished together were under the age of fifteen years, and above sixty years, the former shall be presumed to have survived.

D. If any of those who have perished together were under the age of fifteen years, or over the age of sixty years, and any were between said ages, the latter shall be presumed to have survived.

E. If those who have perished together were above the age of fifteen years, and under the age of sixty years, and the sexes be different, the male shall be presumed to have survived.

F. If those who have perished together were of the same sex and were above the age of fifteen years, and under the age of sixty years, the youngest or younger (as the case may be) shall be presumed to have survived.

See notes to art. 93, sec. 360.

This section applies only when there is no evidence as to who died first, and no particular circumstances from which survivorship could be inferred. *Sporrer v. Ady*, 150 Md. 62.