

but the neglect or refusal of any such person to testify shall not create any presumption against him.

4. In all cases where a party to any suit, action, or other proceeding shall be examined by any opposing party, the testimony given on said examination may be rebutted by adverse testimony and by proof of admission made by the party so examined.

1864, c 109  
Testimony of party to suit may be rebutted  
40 Md 355

5. Nothing in any of the preceding sections contained, authorizing the examination of the parties litigant, and making them competent witnesses, shall apply to any suit, action, bill, or other proceeding instituted in consequence of adultery, or for the purpose of obtaining a divorce, or to any action for breach of promise of marriage.

1864, c 109  
Not applicable in cases of adultery, divorce, and breach of promise of marriage

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.

1864, c 109  
Evidence of interest or infamy of witness.  
30 Md 362

Proof of conviction

#### EXECUTION OF INSTRUMENT.

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.

Art 37, s 6  
1825, c 120  
How attested instrument may be proven  
22 Md 275, 285  
8 G. & J 511.  
5 Gill 103

#### ATTENDANCE AND PAY OF WITNESSES.

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.

Art 37, s 7  
1692, c 16, s 5,  
1715, c 37, s 5,  
1782, c 40, s 1.  
Penalty for witness not attending  
5 Md 337,  
31 Md 1

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 do the same.

Id s. 8.  
1715, c 37, s 5.  
Failing to give evidence, how punished

10. Any court from which execution shall issue on any recognizance forfeited for not attending as a witness, in any case not capital, may, upon motion, and good and sufficient cause, fully shown by such person, discharge him from the execution, upon such terms as the court shall think fit and proper.

Id s 9  
1782, c 42, s 4.  
When court may discharge witness from execution on recognizance.