was greatly inconvenient to defendants who resided at any distance from the place where the court was held. Hence at first as an indulgence and by a special order, but now and for a long time past, where a defendant resides more than twenty miles from London, or is unable to travel, it is a matter of course to issue a *dedimus potestatem* to take his answer.(*b*) And the *four* commissioners, to whom the *dedimus* is directed, are named by the parties, and approved in like manner as commissioners for taking testimony; any *three* or *two* of whom are to take the answer.(*c*)

With regard to an infant defendant, however distant within the kingdom he may reside, he must be brought in; because the court must see, from inspection and observation, that he is an infant, for whom it is necessary, that a guardian should be appointed by whom he may answer. But if the infant be abroad, or unable to attend, a commission must go to appoint a guardian and take his answer by such guardian. The *dedimus* or commission, in such case is similar; the four commissioners are appointed in the same way as; and it is executed in all respects like, that which goes to take the answer of an adult defendant who resides more than twenty miles from London.(*d*)

The practice in Maryland is different. I have met with no evidence, that it ever was at any time, either before or since our revolution, the practice of this court to have the defendant actually brought in merely to swear to his answer before the Chancellor or the register of the court. It appears to have been always the practice here for the defendant to swear to his answer before a judge or a justice of the peace, which when thus authenticated and filed, has been uniformly received and dealt with as an answer.(*e*) This practice is admitted on all hands to be exceedingly convenient, and I have never heard of the slightest evil arising from it. But if a defendant neglects or refuses thus to answer, he may be attached and committed to close custody until he does answer.(*f*)

(*b*) 1 Harr. Pra. Chan. 283; 1 Newl. Chan. 124.—(*c*) 1 Harr. Pra. Chan. 288. (*d*) Marlborough *v.* Marlborough, 1 Dick. 74; Jongsma *v.* Pfiel, 9 Ves. 357; Tappen *v.* Norman, 11 Ves. 563.—(*e*) Brice *v.* Alexander, MS. Chan. Proc. lib. W. K. No. 1, fol. 43; Mackall *v.* Morsell, MS. Chan. Proc. lib. W. K. No. 1, fol. 223. (*f*) Cooper *v.* Cooper, 1788, MS. Chan. Proc. lib. S. H. H. let. B. fol. 351.

BOWIE *v.* MOCKBEE.—*December* 1780.—ROGERS, *Chancellor*.—On motion of the complainant's solicitor, ordered, that the defendant stand committed to close custody of the sheriff of Prince George's county, to remain in custody of the said sheriff until the said defendant shall put in and file a good and sufficient answer in this case, and pay the costs of the said attachment of contempt issued against him in the cause aforesaid.—*Chan. Proc. Lib. No.* 1, *fol.* 295.