

with; or by delivering a copy of the same to such party; and in case the party be an infant or *non compos mentis*, in addition to the service on such party, a copy of the process or order shall be left with the parent or guardian of the infant, if there be one within the jurisdiction of the court, and with the committee or other person having the care of the person or estate of the party alleged to be *non compos mentis*; and such service shall be specially certified in the return by the officer making the service.

1904, art. 16, sec. 137. 1888, art. 16, sec. 124. Rule 9.

146. Upon return of process as served, or upon proof of due publication of the order of publication as against non-resident defendants, the court shall, in case of infant or non-sane defendants, on application of the plaintiff, or any other party concerned, by order, either require the legal guardian or committee of the infant or non-sane defendant (if there be such guardian or committee within the jurisdiction of the court) to appear, answer and defend for such party, or appoint a guardian *ad litem* to answer and defend the suit for such party; and in appointing guardians *ad litem*, no person shall be appointed who may have any interest whatever involved in the suit adverse to that of the person so under disability. In any case where it may be deemed necessary, the court or judge thereof may appoint a solicitor to appear and defend for any infant or non-sane defendant. All commissions for taking answers or to plead shall be and they are hereby abolished.

Where an alleged lunatic is a non-resident, and a copy of the petition to declare her insane was served upon her by the order of a county judge in New York and before the petition was filed here, no sufficient service is had upon her. This section referred to in construing section 118—see notes thereto. *Willis v. Hodson*, 79 Md. 329.

The authority of the court to appoint a solicitor for infant defendants under this section, upheld. *Prince de Bearn v. Winans*, 115 Md.——

Ibid. sec. 138. 1888, art. 16, sec. 125. Rule 10.

147. All infants and other persons under any disability to sue may sue by their guardian or committee, if any, or by their *prochein ami*; subject, however, to such orders as the court or judge thereof may direct for the protection of infants and other persons; but before the name of any person shall be used in any suit to be instituted, as next friend of any infant or other party, or as relator in any information, such person shall sign a written authority to the solicitor for that purpose, and such authority shall be filed with the bill or other proceeding.

This section referred to in deciding that the orphans' court may remove a next friend. *Reichard v. Izer*, 95 Md. 466.

Cited but not construed in *Sloan v. Safe Deposit Co.*, 73 Md. 244.

Ibid. sec. 139. 1888, art. 16, sec. 126. Rule 11.

148. Defendants shall have fifteen days from the time of the return of process served, within which to enter an appearance, before they shall be treated as in default for non-appearance; and from the time of appearance entered, said defendants shall have twenty days within which to answer; and it shall be the duty of the clerk, in all cases in