

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 party so under disability. The court or judge thereof may in any case, where it may be deemed necessary, 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 sec. 121—see notes thereto. *Willis v. Hodson*, 79 Md. 329.

A fee of a solicitor for infants appointed under this section, upheld. *De Bearn v. Winans*, 115 Md. 152.

An. Code, sec. 147. 1904, sec. 138. 1888, sec. 125. Rule 9.

162. 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 applies to persons *non compos*. Where the interest of a *non compos* involved in litigation is in conflict with that of his committee, the court will appoint a next friend to conduct such litigation; notice to the committee. *In re Paca*, 140 Md. 51.

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.

An. Code, sec. 148. 1904, sec. 139. 1888, sec. 126.

163. 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 entering the appearance of defendants, to note in the margin of the docket the time of such appearance entered; and if the appearance be by solicitor, and there be more than one defendant, the clerk shall note for which defendant the appearance is entered; and the court or judge thereof may, for special reason shown, extend or enlarge the time to answer, according to the nature and circumstances of the case.

Where a decree *pro confesso* is entered fifteen days after the defendant's appearance, but testimony is taken more than two months after the entry of said decree and upon notice to the defendant, and such testimony remained in court the required time before a final decree was passed, the latter decree will not be reversed on account of the irregularity in entering the decree *pro confesso* before the expiration of twenty days from the appearance. *Bailey v. Jones*, 107 Md. 405.

This section by implication authorizes an appearance *in propria persona*. *Aukam v. Zantzinger*, 94 Md. 425.

This section referred to in upholding a decree *pro confesso*. *Harrison v. Morton*, 87 Md. 676.