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. *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. 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. *Cooper* v. *Cooper*, 1788, *MS. Chan. Proc. lib. S. H. H. let. B, fol.* 351.(*d*) **552** *If an adult defendant reside abroad or beyond the jurisdiction of the Court it has been the practice, where he himself wishes or is willing to answer, to issue a commission, on petition, for taking his answer to four commissioners. And the course of proceeding in such case appears to be substantially similar to the English mode of obtaining the answer of a defendant who resides abroad or at a greater distance than twenty miles from London. *Hornby* v. *Pemberton*, *Mosely*, 57; *Prout* v. *Slater*, *MS. 3d April*, 1799; *Chan. Proc. lib. S. H. H. No.* 7, *fol.* 25; *Chan. Proc.* 1761, *lib. D. D. No. J*, *fol.* 59.

It would seem, that, according to the course of proceeding in the English Court of Chancery, there may be a material distinction between a guardian *ad litem* of an infant defendant, and a guardian having no other concern with the case than merely to answer the bill. The guardian *ad litem* must not only answer the bill, but is bound to inform himself of all circumstances, and to make as good a defence for his ward as the nature of his case will admit; while on the other hand, as it would seem, the duty of a guardian to answer only, extends no further than merely to the making and filing of an answer. 1 *Newl. Chan.* 105, 138; 2 *Newl. Chan.* 152; 1 *Harr. Pra. Chan.* 708. But however this may be in England, I have met with no clear unequivocal evidence of any such distinction ever having prevailed here.(*e*) In all cases in this

(*d*) BOWIE *v.* MOCKBEE.—ROGERS, C., December, 1780.—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.

(*e*) CHAPMAN *v.* BARNES.—This was a creditor's bill filed against the heir and administrator of the late Richard Barnes to have his land sold for the