

ner of guardians; guardian in chivalry; (now abolished.) Guardian by nature; guardian in socage; and guardian (*per cause de nurture*) for nurture.—By *statute*, viz. 4 and 5 Phil. and Mary: of women children, in two manners; either of the father, or mother, without assignation, or of any other, to whom the father shall appoint the custody, either by his last will, or by any act in his life time, 3 Co. Rep. 37.—lastly, by *custom*, as of orphans by the custom of the city of London. To the above enumeration are to be added, guardians appointed under the statute 12 Car. 2. Cap 24. and under our acts of assembly.

*Guardian by nature*—The father,—if an estate be left to an infant, the father is by the common law the guardian; and accountable for the profits.

*Guardian in socage*—When an infant is entitled to an estate in lands, the guardianship falls to the next of kin, to whom the inheritance cannot possibly descend; as where the estate descended from the father, in this case, the next of kin on the mother's side, shall be guardian, because such next of kin *cannot possibly* inherit the estate; and if the estate descended from the mother, then the next of kin on the father's side shall be guardian, for the same reason,