

reason, Co. Litt. 87. b. 88. a and b. this rule is to be applied, not only to exclude an *immediate* descent, but *all possibility* of descent; and therefore a brother of the half blood shall not be guardian, because he may possibly have the inheritance by descent; for the uncle might take it, and die *seised*, and then the brother take as heir to the uncle, the person last seised. The principle of the rule is, that the person, who hath the infant in his power, may not be tempted to destroy him, in order to succeed to the estate; but this rule is not now regarded in chancery, when guardians are appointed; and seems to have flowed originally from *Gothic* barbarity, and to imply a reproach on the manners of antiquity. 2 P. Will. 264.

*Guardian for nurture*—Of course the father, or mother, 'till the infant attains the age of fourteen; and in default of father and mother, some person is assigned by the proper jurisdiction to take care of the infant's personal estate, maintenance, and education.

*Guardian by statute*—By the statute of 4 and 5 Phil. and Mary, Cap. 8. the father might by will, or any act in his life time assign a guardian to any *maid or woman child* under the age of 16; and if he assigned no guardian, the mother to be guardian. By the statute of 12 Car.