

same in the said Action, for the Use and Benefit of such Child or Children.

IX. And be it further enacted, That such Person or Persons to whom the Custody of such Child or Children hath been, or shall be so disposed or devised, shall and may take into his or their Custody to the Use of such Child or Children, the Profits of all Lands, Tenements and Hereditaments of such Child or Children; and also the Custody, Tuition and Management of the Goods, Chattels and Personal Estate of such Child or Children, till their respective Age of one and twenty Years, or any lesser Time according to such Disposition aforesaid; (2) and may bring such Action or Actions in relation thereunto, as by Law a Guardian in common Socage might do.

X. Provided also, that this Act, or any Thing therein contained, shall not extend to alter or prejudice the Custom of the City of *London*, nor of any other City or Town Corporate, or of the Town of *Berwick upon Tweed*, concerning Orphans; nor to discharge any Apprentice from his Apprenticeship.

VIII. Parents may dispose of the Custody of Children during their Minority. Vaughan, 177. 3 Mod. 24. Actions of Ravishment of Wards.

IX. The Lands of Children, and the Management of their Personal Estate by their Guardians.

Kilty, Rep. 238, treats only the 8th and 9th sections of this Statute as being in force here; and he says that the 10th and 11th sections related to the City of London, and to feudal titles of honor. I have, however, printed the 10th section, because the latter part of it, relating to apprentices, is broad enough to reach the case of any apprentice.

Analysis of provisions of Statute.—The main regulations of this Statute, so far as it is in force, are, 1°, That the father shall have the power of appointing guardians to his children after his decease,¹ though under twenty-one; 2°, That he shall have it as to *all* his children, under twenty-one, and unmarried at his decease or born after; 3°, That he may appoint any persons, the exception of popish recusants not applying here; 4°, That the appointment may be either in possession or remainder, (see *Selby v. Selby*, 2 Eq. Ca. Abr. 488);² 5°, That he may appoint the guardianship to last till twenty-one, or for any less time; 6°, That the appointment shall be effectual against all claiming as guardians in socage or

¹ *Tillman v. Tillman*, (S. C.), 66 S. E. Rep. 1049.

² The Statute also sanctions a testator giving authority to a surviving guardian to nominate a person in the place of one who has died. In the *Goods of Parnell*, L. R. 2 P. & M. 379. Cf. *Ramsay v. Thompson*, 71 Md. 315.