

of the said Henry hath possession of the Real and Per-
sonall Estate now belonging to the said Nicholas the Infant
which consists in two or three hundred Pounds in flow-
erall Estate and of About Eight hundred Acres of Land
in Real Estate and by virtue of such possession insists
that he ought to have the Tutition of the said Infant altho
he was never appointed Guardian for otherwise the said
Nicholas Sewall Junior pretends that he is not Obliged to
make any Allowance out of the Estate of the said Nicholas
for his Education and Maintenance more then six Pounds
per Annum out of the personall Estate per Annum a Sum much
too Inconsiderable for meat drink Washing Lodging and
Education and Clothing

That the said Philip and Elizabeth at the time of
their Inter marriage released the right of the said Elizabeth
to the two thirds of the Real and personall Estates of the
said Henry to the said Nicholas Sewall Junior in Trust
for the said Nicholas the Infant on condition to Repose
the same in case of the Death of the said Nicholas the In-
fant without Issue but the said Philip and Elizabeth
never intended that the Profits of the said Estate so Releas-
ed should be applied in any manner to the advantage
of the said Nicholas Sewall Junior the Trustee but that they
should Contribute to a better Provision and Education
of the said Nicholas the Infant than that part of the
Estate to which he was Intitled by the death of his Fa-
ther would have permitted neither did the said Philip
and Elizabeth by such deed of Release deprive either of them
selves of any right of the Care and Guardianship of the
said Nicholas the Infant to which they or either might