

ty to that the deed of cession to the King virtually confirms the conveyance to Mr. Trent. Upon the whole, I am of opinion that Mr. Trent in his own right, and as attorney for the traders, hath a good, lawful and sufficient title to the land granted by the said deed and conveyance, subject only to the King's sovereignty over the settlements to be established thereon, and over the inhabitants as English subjects.

Lincoln's Inn, March 20, 1775.

(Signed)

HENRY DAGGE.

Serjeant GLYNN's opinion.

TIRELY concur with Mr. Dagge in his opinion of this case. The property of the soil conveyed to Mr Trent, himself and as attorney was certainly in the Six Nations, and incident to that property, they had a power of alienating and transferring in any manner, or to any persons, unless they had been restrained by their own laws.

In this case the supreme power of the country resides in the sellers, who had therefore an absolute power of alienating, and the transaction being fair and open, and for the express purpose of doing an act of public justice, must bind the Six Nations in good faith. If we suppose, that the sovereignty of the land still remains in the Six Nations, the property of the soil must be in the grantee Mr. Trent, and cannot without violence and injustice be taken from him. The very act however of the sovereign power of the Six Nations admits a capacity in the grantee, to take under the deed according to their laws or usage, and there is no law that I ever heard of, that restrains the subjects of the crown of England from purchasing in foreign dominions. The intention of the parties here appears to have been to transfer the sovereignty to the crown of England by the same instrument whereby the land was conveyed. This transfer of the sovereignty is effectual, it passed, and is confirmed by the deed of cession to the crown, dated two days after; but subject however to all the antecedent rights of property, the crown being entitled only to the immediate property of vacant and unappropriated lands; but in this case the lands are abandoned by the proprietors and conveyed to the grantee. If the crown had an original sovereignty, still the soil being the property of the Six Nations, they and their alienee should be protected by that sovereignty in their property. If the crown acquired the sovereignty by the grant to Mr. Trent, or by the deed of cession, the title of the grantee is then under the protection of the laws of England.

Upon the whole, I am of opinion, that in every way of considering this case, the grant to Mr. Trent is good, sufficient and lawful; and is under the protection of the laws of England.

Serjeant's Inn April 13, 1775.

(Signed)

JOHN GLYNN.

HAVING long since carefully studied these points, I concur fully with Councillor Dagge and Serjeant Glynn in their opinions as above delivered.

Philadelphia, July 12, 1775.

(Signed)

B. FRANKLIN.

FROM principles which appear to me very clear, I concur in the above opinions.

Philadelphia, July 29, 1775.

(Signed)

P. HENRY, Jun.